

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2007-0054
MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY OF CALEXICO, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM
IMPERIAL COUNTY

This Order to assess Administrative Civil Liability (ACL) pursuant to California Water Code (CWC) Section 13385 is issued to the City of Calexico (hereinafter Discharger), based on a finding of violations of NPDES Waste Discharge Requirements (WDRs) Board Order No. R7-2004-0009 (NPDES Permit No. CA7000009).

The Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. The Discharger owns and operates the Calexico Wastewater Treatment Plant (WWTP) and collection system. The collection system provides conveyance of raw wastewater to the treatment facility through both separate and combined sewer lines. The overall design capacity for the treatment plant is 4.3 million gallons of flow per day. The Discharger's WWTP is located at 298 East Anza Road, Calexico, CA 92231.
2. On February 11, 2004, the Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter, Regional Board) adopted WDR Order No. R7-2004-0009 (NPDES Permit No. CA7000009), for the City of Calexico, to regulate discharges of treated wastewater through Outfall 001 to the New River. All wastewater discharged from this facility is discharged through Outfall 001 to the New River, and ultimately to the Salton Sea. The New River and Salton Sea are waters of the United States.
3. CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
4. CWC Section 13385(h)(2) states, in part, the following:

"For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations...for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more, or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."

5. CWC Section 13385(k) states:

"In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivision (h) and (i) against a POTW serving a small community, as defined by subdivision (b) of Section 79084, the state board or the regional board may elect to require the POTW to spend an equivalent amount toward the completion of a compliance project proposed by the POTW, if the state or regional board finds all of the following:

- (1) The compliance project is designed to correct the violations within five years.
 - (2) The compliance project is in accordance with the enforcement policy of the state board.
 - (3) The POTW has demonstrated that it has sufficient funding to complete the compliance project."
6. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Policy). The Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section X of the Policy, among other requirements, Compliance Projects (CPs) proposed by the POTW must be designed to correct the violations in five years and also comply with the general conditions specified for CPs in the Policy.
7. WDR Board Order No. R7-2004-0009 includes the following effluent discharge limitations:

Effluent Limitation A.6:

Effluent discharged to the New River shall not contain constituents in excess of the following limits:

Constituents	Unit	Date Effluent Limit Becomes Effective	Average Monthly Effluent Limit ¹	Maximum Daily Effluent Limit ¹
Copper (interim)	µg/L	January 25, 2004	7.90	7.90
Copper (final)	µg/L	January 14, 2009	2.39	4.80

8. Monitoring reports submitted by the Discharger show that the wastewater discharged from the Discharger's WWTP was in violation of its WDR effluent limitations cited in Finding No. 7 above.
9. A summary of each violation of Board Order No. R7-2004-0009 is contained in Attachment "A," which is incorporated in and made a part of this ACL Order No. R7-2007-0054 by reference.
10. The total amount of the MMP for the violations cited in Attachment "A" is \$12,000.
11. On January 17, 2007, the Regional Board Assistant Executive Officer issued ACL Complaint No. R7-2007-0016 proposing that the Discharger pay twelve thousand dollars (\$12,000) in ACL (MMP) for the violations.

¹ Compliance with the Average Monthly Effluent Limit and Maximum Daily Effluent Limit shall be determined as described in Section 2.4.5 Compliance Determination (Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California)

12. On March 28, 2007, the Discharger proposed the implementation of a CP described in Attachment "B" which is made a part of this Board Order by reference. Regional Board staff approved this CP as proposed. The ACL Complaint was rescinded on April 11, 2007.
13. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). The Discharger waived its right to a hearing on this matter as set forth in Attachment "B".
14. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
15. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, that the Discharger is assessed twelve thousand dollars (\$12,000) in ACL (MMP) for the violations set forth in Attachment "A". In lieu of paying an ACL in the amount of twelve thousand dollars (\$12,000), the Discharger shall implement the proposed CP described in Attachment "B" in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of CPs.
2. The CP shall be implemented in accordance with the time schedule stipulated in Attachment "C", appended to and made a part of this Board Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for each phase of the CP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its WDR, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. If the Discharger completes a stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "B" shall be permanently suspended. Similarly, if the Discharger fails to complete any stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL shall become due and payable by the Discharger within 30 days of being so informed in writing.
4. Previously suspended amounts do not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.
5. Completion of each stipulated phase and the whole CP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.

Administrative Civil Liability Order No. R7-2007-0054
City of Calexico WWTP

6. The Discharger shall implement Monitoring and Reporting Program No. R7-2007-0054 and revisions thereto.
7. The Discharger shall submit all unsuspended ACL amounts, made payable to the "State Water Pollution Cleanup and Abatement Account," to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 16, 2007.



ROBERT PERDUE, Executive Officer

ATTACHMENT "A"

Summary of Violations of Board Order No. R7-2004-0009 Mandatory Minimum Penalties

Assessed Violation¹ No.	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
438134	06/30/2005	Exceeded daily maximum limit of 7.9 µg/L for Copper Reported value = 12 µg	Yes	3,000
428135	06/30/2005	Exceeded Average Monthly Effluent Limit of 7.9 µg/L for Copper Reported value = 12 µg	Yes	3,000
420868	06/06/2006	Exceeded daily maximum limit of 7.9 µg/L for Copper Reported value = 30 µg	Yes	3,000
420867	06/30/2006	Exceeded Average Monthly Effluent Limit of 7.9 µg/L for Copper Reported value = 30 µg	Yes	3,000

Accrued Mandatory Minimum Penalty: \$12,000

Total: \$12,000

¹ Data Source: California Integrated Water Quality System (CIWQS)

ATTACHMENT "B"



CITY OF CALEXICO

Mailing : 608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2167
Fax: 760.768-3412
www.calexico.ca.gov
e-mail:wastewater@calexico.ca.gov

Water Pollution Control Plant

March 28, 2007

Jose Angel
State Water Resources Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, Ca 92260

Re: City of Calexico-Administrative Civil Liability Complaint No.R7-2007-0016, to the
City of Calexico Order No. R7-2004-0009, NPDES No. CA 7000009

Dear Sir:

This letter is in response to the above mentioned complaint. We thank the Regional Board staff for taking the time to meet and explain the options available to the City of Calexico.

The City of Calexico is proposing a **Compliance Project In – Lieu of the Assessed Liability**. The project will consist of Ferric Chloride dosing of the wastewater. This compliance project is designed to bring the City of Calexico back into compliance and prevent any future occurrences. These violations occurred within a 24 month period in June of 05 & 06. Nolte Associates will be providing the Quality Assurance plan, at a cost of \$5,072 dlls. Chem- Iron will provide the Ferric Chloride at a cost of \$5,650 dlls per month, it is estimated that we need 3000 gals per month. City staff will take ph and temperature readings and will deliver samples to the laboratory, cost for sampling is estimated at \$1000 dlls. In addition the City of Calexico contracted Tierra Environmental Services to perform a biological assessment to assist the Regional Board in a site specific objective for copper consideration in the New River; the cost for the biological assessment is \$5,185 dlls. The total cost is \$16,907 dlls. With this in mind we are also requesting consideration of a compliance project credit of \$ 1,500 dlls towards the biological assessment. The City of Calexico proposes to complete the compliance project within one year's time.

The City of Calexico at this time requests your concurrence for this project and in order to implement it immediately and prevent future occurrences.

If you foresee any problem, have any questions or comments, please contact our office at (760) 768-2167

Thank you

Arturo Estrada
Chief Operator –operations

Cc: Ralph Velez, City Manager
Luis Estrada, Utilities Services Director

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APR 09 2007

REGION 7

Viva Calexico!

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION (R-7)
COMPLIANCE PROJECT INFORMATION SHEET**

The following information is provided for the Compliance project described below.

ACL No.: R7-2007-0016

ACL Amount: \$ 12,000

Name of Discharger Under Permit: City of Calexico

Contact Person: Arturo Estrada

Phone (760) 768-2167

E-Mail: aestrada@calexico.ca.gov

Name of Project: Ferric Chloride

Project Description: (If necessary, attach additional sheets for project description)

Ferric Chloride dosing of the wastewater

GENERAL CONDITIONS FOR COMPLIANCE PROJECT (Please answer the following questions by circling your response)

1. Is the compliance project designed to bring the permit back into compliance in a timely manner and/or prevent future noncompliance. (YES) NO
2. Is the compliance project otherwise obligated to perform independent of the Administrative Civil Liability itself. (YES) NO
3. The compliance project information sheet has clearly identified project goals, costs, milestones and completion dates. (YES) NO
4. If the project is longer than one year, annual reporting requirements will be provided to the Regional Board. (YES) NO

If project is less than one year please provide the estimated project start date and completion date:

Estimated Project Start Date: April 07

Estimated Project Completion Date: April 08

If project is greater than one year please provide the following:

PROJECT GOALS, COSTS, MILESTONES AND COMPLETION DATES

If project is longer than one year please provide the information in Item No. 3 of the General Conditions for Compliance Project: (If necessary, attach additional sheets)

Items to be identified include the following

- | | | |
|--|------------|---|
| 1. Action or Task to be Completed | Start Date | End Date |
| 2. Milestone report due at end of year one | Date Due | Cost (Portion of ACL associated with milestone) |

Total Estimated Project Cost (including funds from other sources): \$ 16,907

\$5,185 (BIO- ASS) \$ 1,500 (CREDIT) TOTAL \$16,907(\$12,000 FOR COMPLIANCE PROJECT)

SIGNATURE: Arturo Estrada **Date:** 4/6/07

Name: Arturo Estrada **Position:** Chief Operator-operations

(Upon completion of the project, please submit a final report of the project, which includes a certification that this project is complete; provide copies of receipts, invoices, etc. to substantiate the expenses that the proposed administrative penalties have been spent.)

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REGION 7

ATTACHMENT "C"

STIPULATED TIME SCHEDULE FOR THE IMPLEMENTATION OF COMPLIANCE PROJECT

Phase No	Description of CP Phase	Completion Date	Estimated Cost	Corresponding Portion of ACL That May Be Suspended
1	Quality Assurance Plan	April 2008	\$5,072	\$3,600
2	Ferric Chloride Injection and Results Report	April 2008	\$5,650	\$4,010
3	Sampling	April 2008	\$1000	\$710
4	Biological Assessment	April 2008	\$5,185	\$3,680
Total:			\$16,907	\$ 12,000